

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

UNITED STATES

V.

PATRICIO PALADIN

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Criminal No. 09-CR-00186-PB

MOTION TO AMEND JUDGMENT AND CORRECT SENTENCE
PURSUANT TO RULE 35(a)

NOW COMES the Defendant, Patricio Paladin, and respectfully moves this Court to correct what appears to be a clear error in the Judgment in this matter.

IN SUPPORT OF THIS MOTION, the Defendant submits as follows:

1. The Defendant was sentenced by the Court on August 31, 2012. During the course of the sentencing proceeding, the Court made clear that but for the minimum mandatory sentence, the Defendant would be sentenced to a period of incarceration of approximately 25 years. However, the Court recognized that by operation of law, it must impose the minimum mandatory sentence of life without parole.

2. A Judgment was issued on September 4, 2012. On Page 2 of the Judgment, the sentence is described as "Life plus 300 months". Thereafter, the Judgment states, "Life on Count 1 and 300 months on Counts 2-5 all to be served concurrently". The descriptions of the sentence contained on Page 2 of the Judgment are inconsistent with each other.

3. The Court did, indeed, sentence the Defendant to life without parole on Count 1. The Court also sentenced the Defendant to 300 months on the remaining Counts, 2-

5. Undersigned counsel recalls the Court indicating that the sentences were to be served concurrently. The second sentence in the Judgment on Page 2 does indicate that all sentences are to be served concurrently. However, the first sentence of the committal language indicates that the Defendant is sentenced to a total term of life *plus* 300 months. This indicates a consecutive sentence. Undersigned counsel does not recall the Court imposing a consecutive sentence at the time of the hearing.

4. Upon receipt of the Judgment, undersigned counsel contacted the prosecutor, Assistant United States Attorney Robert Veiga. Mr. Veiga indicated that he recalled that the sentences were to be served concurrently as well.

5. Fed.R.Cr.P. 35(a) allows this Court to correct a sentence that results from arithmetical, technical or other clear error within 14 days after sentencing. This Motion is timely filed.

6. The Defendant respectfully submits that the Judgment, at Page 2, should read as follows:

“The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of life. Life on Count 1 and 300 months on Counts 2-5 all to be served concurrently”.

7. Undersigned counsel has discussed this matter with Assistant United States Attorney Robert Veiga. Mr. Veiga assents to the relief requested herein.

WHEREFORE, the Defendant believes that the description of the sentence contained on Page 2 of the Judgment is clear error and respectfully moves this Court to grant the following relief:

A. Grant this Motion and amend the Judgment by correcting the sentence as requested herein; and,

B. Grant such further relief as may be just.

Respectfully submitted,
Patricio Paladin, Defendant
By and through his Attorneys,
BRENNAN CARON LENEHAN &
IACOPINO

Date: September 7, 2012

By: /s/Michael J. Iacopino
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Suppress Evidence was served on the following person, even date herewith, and in the manner specified herein: electronically served through ECF: Assistant United States Attorney Robert Veiga, James C. Cleveland Federal Bldg., 55 Pleasant St., Room 352, Concord, NH 03301-3941.

/s/Michael J. Iacopino

Michael J. Iacopino, Esq.